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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GERALD BAROS,

Plaintiff,

VS.

SERGEANT MARK RAMIREZ AND DEPUTY KRISTY ERWIN SUED IN THEIR INDIVIDUAL CAPACITIES,

Defendants.

CASE NO. 17-cv-00948 WLH (SHK)

*Assigned for All Purposes to:
Hon. Wesley L. Hsu—Courtroom 9B*

JUDGMENT

Trial Date: 11/07/2023

*Complaint filed: May 15, 2017
First Amended Complaint filed: August 22, 2017
Second Amended Complaint filed: April 16, 2018
Third Amended Complaint filed: May 6, 2020*

On December 8, 2019, Plaintiff dismissed Deputy Spencer Killion from this action pursuant to Federal Rules of Civil Procedure 41(a). (Dkt. #75).

On October 6, 2020, Plaintiff dismissed Deputy Tyler McGee from this action pursuant to stipulation. (Dkt. #98).

This action came on regularly for trial on November 7, 2023, in Courtroom 9B of the United States District Court, Central District of California, located at 350 W. 1st Street, Los Angeles, California, the Hon. Wesley L. Hsu presiding. Defendants Sergeant Mark Ramirez and Deputy Kristy Erwin appeared by attorneys Shannon L.

1 Gustafson and Amy R. Margolies. Plaintiff Gerald Baros appeared by his counsel,
2 Jeff Price. A jury of eight persons was regulary impaneled and sworn.

3 During the proceedings the parties stipulated to dismiss the punitive damages
4 allegations against Defendant Kristy Erwin, each side to bear its own costs as to the
5 punitive damages only for Defendant Kristy Erwin. After hearing all of the evidence,
6 the Court duly instructed the jury, and the case was submitted to the jury. On
7 November 14, 2023, the jury returned a unanimous Special Verdict in favor of
8 Defendant Sergeant Mark Ramirez; the jury did not reach the special verdict question
9 pertaining to Deputy Kristy Erwin.

10

11 **Question #1:**

12 Did Defendant Mark Ramirez use excessive force against Plaintiff Gerald
13 Baros?

14 Yes _____ No X

15

16 *If you answered “Yes” to Questions #1, please proceed to Question #2.*
17 *If you answered “No” to Question #1, please sign and return this verdict*
18 *form.*

19

20 **Questions #2:**

21 Did Defendant Kristy Erwin fail to intervent in the use of excessive
22 force again Plaintiff Gerald Baros?

23 Yes _____ No _____

24

25 *Please proceed to Question #3.*

26 ///

27 ///

28 ///

1 **Questions #3:**

2 What are Plaintiff's damages?

3 \$ _____

5 Please proceed to Question #4

7 **Question #4:**

8 Did you find that the conduct of Defendant Mark Ramirez was mailicious,
9 oppressive, or in reckless disregard of Plaintiff Gerald Baros' constitutional rights?

10 Yes _____ No _____

12 The foreperson should sign and date this verdict.

14 DATED: November 14, 2023

14 /s/ [name redacted]

15 **PRESIDING JUROR**

18 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** as
19 follows:

20 That Defendants Sergeant Mark Ramirez and Deputy Kristy Erwin have
21 Judgment in their favor, and that Plaintiff Gerald Baros take nothing by way of his
22 operative Complaint against these Defendants;

23 That this matter be, and hereby is, dismissed as to Sergeant Mark Ramirez and
24 Deputy Kristy Erwin with prejudice; and

25 ///

26 ///

27 ///

28 ///

That Defendants recover their costs of suit from Plaintiff in accordance with applicable law.

IT IS SO ORDERED.

DATED: 12/11/23

HON. WESLEY L. HSU
UNITED STATES DISTRICT JUDGE